

**MEDICINE BOARD[653]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 147.76, the Board of Medicine hereby proposes to amend Chapter 9, “Permanent Physician Licensure,” Iowa Administrative Code.

The purpose of Chapter 9 is to establish requirements for the licensure of medical physicians and osteopathic physicians. The proposed amendments implement 2015 Iowa Acts, Senate File 276, which was signed into law on April 17, 2015, and became effective July 1, 2015. The amendments define “relinquishment” and declare that a person’s permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration.

The Board approved this Notice of Intended Action during a regularly scheduled meeting on August 28, 2015.

Any interested person may present written comments on the proposed amendments not later than 4:30 p.m. on November 10, 2015. Such written materials should be sent to Mark Bowden, Executive Director, Board of Medicine, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa 50309-4686; or sent by e-mail to [mark.bowden@iowa.gov](mailto:mark.bowden@iowa.gov).

There will be a public hearing on November 10, 2015, at 11 a.m. in the Board’s office, 400 S.W. Eighth Street, Suite C, Des Moines, Iowa, at which time persons may present their views either orally or in writing.

After analysis and review of this rule making, it has been determined that these amendments will have no impact on jobs in Iowa.

These amendments are intended to implement Iowa Code chapters 147, 148 and 272C.

The following amendments are proposed.

ITEM 1. Adopt the following **new** definition in rule **653—9.1(147,148)**:

“*Relinquishment*” means that a person’s permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine is deemed abandoned if the person fails to renew or reinstate the license within five years after its expiration. A license that has been relinquished is no longer valid or renewable. Relinquishment is not disciplinary in nature.

ITEM 2. Adopt the following **new** rule 653—9.19(147,148):

**653—9.19(147,148) Relinquishment of license to practice.** A person’s permanent license to practice medicine and surgery, osteopathic medicine and surgery, or administrative medicine shall be deemed relinquished if the person fails to apply for renewal or reinstatement of the license within five years after its expiration.

**9.19(1)** A license shall not be reinstated, reissued, or restored once it is relinquished. The person may apply for a new license pursuant to Iowa Code sections 148.3 and 148.11 and 653—Chapters 9 and 10.

**9.19(2)** The relinquishment of license may be stayed if, at the date of relinquishment, there is an active:

- a. Evaluation order pursuant to Iowa Code section 272C.9(1) and rule 653—24.4(272);
- b. Combined statement of charges and settlement agreement pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and rule 653—25.3(17A);
- c. Statement of charges pursuant to Iowa Code section 17A.12(2) and rule 653—25.4(17A);

- d.* Settlement agreement pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and rule 653—25.17(272C);
  - e.* Final decision pursuant to Iowa Code sections 17A.12 and 272C.6 and rule 653—25.24(17A);
- or
- f.* Application for reinstatement of the license pursuant to rule 653—9.15(147,148) or 653—9.16(147,148).